

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

NORMA D. POWE

Plaintiff,

v.

CV 04-PT-3137-E

MIDLAND MORTGAGE CO.

Defendant.

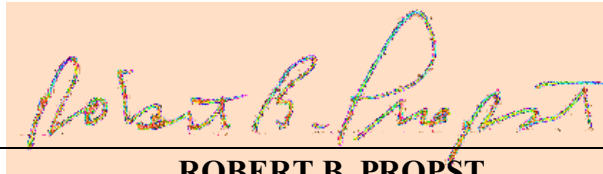
MEMORANDUM OPINION

This cause was set for a settlement conference. The plaintiff did not call in as advised. See recorded telephone conference of December 21, 2004.

This court must examine its own subject matter jurisdiction. To the extent that there is a diversity claim, there has not been a timely removal. The only further purported basis for removal is that the plaintiff made vague reference to a "violation of civil rights." There is no reference to a violation of federal "civil rights." Defendant has not suggested any particular federal "civil right" which arguably has been violated. This court concludes that plaintiff has not properly alleged the violation of any federal "civil right."

The court will remand the case. The remand will be without prejudice to a later removal if the plaintiff ever, with sufficient clarity to state a federal claim in state court, proceeds to maintain or attempt to maintain a specifically designated federal "civil rights" claim in state court.

This the 21st day of December, 2004.

A handwritten signature in blue ink, reading "Robert B. Propst", is written over a light orange rectangular background. The signature is cursive and fluid.

ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE